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IV. NOTES ON COLONIES AND COLONIAL GOVERNMENT.

Porto Rico.—The Porto Rican Code Commission has completed its report and has presented the same to the legislative assembly. It is expected that most of the session of the assembly—which met in the early part of January to sit for sixty days—will be taken up with the discussion of the new laws. The commission has prepared a political code, a penal code, a code of criminal procedure and a civil code. *ANNALS* readers will probably be most interested in the political code, which includes the organization of the central and local governments, election, educational, revenue and highway laws. The civil code is based largely upon the existing laws. The penal code is practically new and is based upon the codes now used in the United States.

The commission was composed of two Americans and one Porto Rican. Of the American members, Professor L. S. Rowe, of the University of Pennsylvania, and a member of the former United States Commission to Revise and Compile the Laws of Porto Rico, was the chairman; J. M. Keedy, Esq., is a practitioner at the bar of San Juan; Señor Juan Hernandez-Lopez, also a member of the former commission, is a prominent native jurist. The commission was fortunate in commanding the respect and enlisting the co-operation of the leaders of both political parties in the island. The peculiar difficulty in the work of the commission lay in the necessity for such an arrangement of Anglo-Saxon legal standards as should be suitable to the peculiar traditions and customs of an island which had continued for centuries under Spanish domination.

To mention but a few of the most striking instances of this discrepancy between Porto Rican and American ideas, the jury system and the *habeas corpus* writ were unknown in the island, while the spirit of political factionalism was so strong that considerable difficulty was experienced in establishing an electoral system which should be susceptible of impartial operation.

One of the important features of the administrative organization provided by the new code is a tendency to concentrate power and responsibility, wherever possible, in single officials rather than in boards. Attention has already been called, in a previous number of the *ANNALS*, to the adoption at the first session of the legislature of a law providing for an insular director of charities and of prisons. These features are retained in the new code and the same principle is applied to the regulation of sanitary affairs, resulting in the transfer of the

powers of the Board of Health to an insular director of sanitation. An insular veterinary surgeon has been proposed for the solution of the special problems of cattle raising, this industry being an important source of wealth in the island.

An additional feature of importance in the code is seen in the system of local government proposed. To quote from the commentary of Commissioner Rowe:

“Under the Spanish municipal law the island is divided into sixty-seven districts called ‘municipios,’ but which in no sense correspond to the American municipality. The combination of urban and rural districts prevented the urban centres from developing a distinctive life of their own, and compelled the rural districts to contribute towards the maintenance of an organization from which they derived little or no benefit. The taxes collected in the rural districts for local purposes have been used in the towns for distinctively urban services, and the complaint of the landowner that he has received no return for his local taxes has been universal. It is therefore in the interest of both the urban and rural districts that for purposes of local government a separation should be made. It is necessary, however, that the form of government be simple and economical, inasmuch as the resources of the municipalities are limited and their credit as yet undeveloped. In the proposed system of local government, the distinctively urban centres of the present ‘municipios’ are organized as cities and villages.

“The cities (San Juan, Ponce, Mayagüez and Arecibo) are organized in much the same way as the smaller municipalities in the United States. An elective mayor, a comparatively small elective council, and the necessary administrative officials. The mayor is made the executive head of the city government, and does not partake in the legislative work of the said council, except so far as his suspensive vote is concerned.

“The villages are divided into three classes according to population, with a small local council, of which the village president is the presiding officer. The services required by these towns will call for but a small number of administrative officials, and will enable the government to be carried on at comparatively small cost. As regards the rural districts it must be kept in mind that the most important services required by these districts, namely, the police service, is being performed by the insular government.

“The construction of roads has been, and will for some years to come be, in the main, an insular charge. The highway law (title XIII) provides for the construction of local highways through the formation of special highway districts, and in the chapter relating to

public health (title V, chapter X), the Insular Director of Sanitation is given power to group the rural barrios into cemetery districts, and to provide for the establishment of cemeteries in such districts. This provision will remove one of the most prolific causes of complaint at the present time, namely, the distance of the urban cemeteries from the rural barrios.

"Thus all the important local services are provided for without the necessity of an elaborate machinery of government, which entails a burden heavier than the rural districts are able to bear."

The title dealing with highways touches on one of the fundamental problems of Porto Rican development. The main roads have all been constructed or planned by the insular government; the Commission proposes that the local government be empowered to construct local roads in order to develop the secondary system of highways.

Germany.—Considerable attention has been aroused in recent years by the existence of modified forms of slavery in the German colonies. An ordinance looking to the gradual emancipation of house servants in German East Africa has recently been approved by the Imperial Chancellor. The ordinance provides that in the future no persons shall become enslaved either through voluntary sale of their persons, by authority of their parents, through debt, or as a punishment. All of these forms of slavery have existed up to the present time. Persons now in a condition of slavery are allowed to buy their freedom on payment of a sum to be fixed by the administrative authority of the district in which they are living. Upon payment of this sum a "Freibrief" or certificate of manumission is to be given them. Slaves are hereafter allowed two days in each week to work for themselves. In case of disputes as to the amount of time so allowed, the slave is permitted to appeal to the administrative authorities. Masters are required to support their servants in case of sickness or old age, and this obligation will not be avoided by freeing the slave after he has become unable to work. Slaves may only be transferred from one master to another with their consent, which must be given before an administrative authority. At each transfer such authority is required to examine carefully the legitimate character of the transaction and to ascertain if a legal relation of slavery actually exists. Members of the same family may not be separated from each other by any such transfer without their consent. Any serious neglect or injury on the part of a master results in the freedom of the servant. Upon hearing of any such injury or neglect the competent authority is required to investigate, even in case no complaint is made by either party, and should it be ascertained that the slave, by reason of the owner's failure to comply with the law, has a legal claim upon manumission the

public official is required to grant such manumission without any payment of damages to the owner.

The ordinance outlined above is deserving of commendation ; it shows the desire of the German colonial authorities to abolish the evils which have heretofore existed in more than one German possession. The action is especially noteworthy on account of the well-known scarcity of labor, which has long been a serious drawback to the development of Germany's African colonies.

France.—With the first of the present year the budgetary reforms which were adopted by the French Parliament are introduced in the financial systems of the principal colonies. The most important feature of these reforms, and certainly the point of greatest interest to Americans, is the adoption of an independent budget for the West Indian and other colonies. Heretofore the French colonial system has been distinguished from those of other countries by the great dependence of the colonial finances upon the budget of the metropolis. The mother country has continually granted large subsidies or subventions, not only for military purposes but also for internal improvements and for the payment of what should be considered ordinary running expenses of the colony. In the future these subventions are to be discarded and the colonial expenses paid from the colonial receipts. Two powerful motives have led to this action ; first, the growing conviction on the part of Frenchmen that the colonies should be allowed to manage their own finances with greater independence, and second, the heavy pressure upon the resources of the home country caused by military and other expenditures. The necessity for economy has long been apparent to the Colonial Ministry, and it is estimated that by reducing the colonial grants the equilibrium of the home budget can be re-established. It is hoped that this can be done without seriously delaying the work of internal improvements which France has been carrying on in her African possessions during recent years.